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8/21/02

FILED  
HARRISBURG, PA

AUG 22 2002

240 CIV  
**IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA**

DESMOND V. GAYLE, : CIVIL NO. 3:CV-01-1282  
Plaintiff,

v. : (JUDGE WILLIAM W. CALDWELL)

WARDEN HOGAN and :  
DEPUTY BOWEN, :  
Defendants.

**AFFIDAVIT OF THOMAS HOGAN, WARDEN, YORK COUNTY PRISON  
IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT**

Thomas Hogan, being duly sworn, deposes and says:

My name is Thomas Hogan and I am a defendant in the above-captioned lawsuit.

I am Warden of the York County Prison. This affidavit is based upon my personal knowledge and information. I am competent to testify and would state as follows if called as a witness at trial:

1.

I am presently the Warden of the York County Prison and formally acted as Assistant Warden of the York County Prison in 1992 and early 1993.

2.

On December 12, 2001, inmate Desmond V. Gayle was an INS prisoner confined in the York County Prison.

3.

On March 12, 2001 and thereafter, inmates who were placed in the BAU were fed food loaf unless there were medical or other lawful reasons to change the diet.

4.

Food loaf is made from the food that is served to the other prisoners on that day, but it is ground, mixed with a muffin mix, a nutritional additive and provides complete and healthful food to an inmate in the BAU.

5.

I have found that food loaf, while having no adverse physical effect on the inmate, provides disciplinary incentive for the inmates not to want to be placed in the BAU, solves a long time problem of inmates who threw food and other liquids that were served to them in the BAU and generally assists in maintaining good order and discipline in this facility.

6.

While I was aware that food loaf was served in the BAU, I was not aware that Desmond V. Gayle had complaints of physical problems arising from the consumption of food loaf.

7.

I did not supervise or have any knowledge of the care provided to Gayle in the medical section of the York County Prison in March or April 2001 or at any other time relevant to Gayle's Complaint.

8.

I know of no constitutional violations of Desmond V. Gayle's rights. I took no part in the medical decisions that were made concerning the complaints that he filed with the medical section during the time that he was confined in the BAU.

Dated:

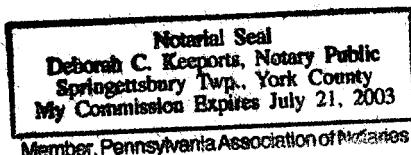
8/14/02

  
Thomas Hogan

Sworn and subscribed to  
Before me this 14<sup>th</sup> day  
of August, 2002.

Deborah C. Keports  
Notary Public

My Commission Expires:



IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

|                  |   |                             |
|------------------|---|-----------------------------|
| DESMOND V. GAYLE | : | CIVIL NO. 3:CV-01-1282      |
| Plaintiff,       | : |                             |
| v.               | : | (JUDGE WILLIAM W. CALDWELL) |
| WARDEN HOGAN and | : |                             |
| DEPUTY BOWEN,    | : |                             |
| Defendants.      | : |                             |

**CERTIFICATE OF SERVICE**

I, Donald L. Reihart, Esquire, Assistant Solicitor for York County, hereby certify that a true and correct copy of the foregoing Affidavit of Thomas Hogan, in Support of Motion for Summary Judgment, was caused to be served on the date shown below by depositing same in the United States mail, first-class, postage prepaid, addressed as follows:

Desmond Gayle  
Tangipanoa Parish Prison  
P.O. Box 250  
Amite, LA 70422

Respectfully submitted,

By: 

Donald L. Reihart, Esq.  
Sup. Ct. I.D. #07421  
2600 Eastern Boulevard, Suite 204  
York, PA 17402-2904  
Telephone (717) 755-2799

Date: 8-21-02

Assistant Solicitor for York County